

REMARKS/ARGUMENTS

Claims 1-5, 7-14, and 16-22 are now pending in this application. Claims 1 and 10 are Independent claims. Claims 1 and 10 have been amended. Claims 6 and 15 were cancelled. Claim 23-31 have been withdrawn.

Claim Rejections – 35 USC § 103(a)

Claims 1-5, 7-14 and 16-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Elazar in view of Parks et al., USPN: 7,146,504 (hereinafter: Parks) in further view of Markham, US Pub. No. 2003/0126468. (Pending Office Action, Page 3). Applicant respectfully traverses these rejections.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest *all* the claim limitations.” (emphasis added) (MPEP § 2143). “If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious.” (emphasis added) *In re Fine*, 837 F. 2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988). Applicant points out that Independent Claim 10 recites elements which have not been disclosed, taught or suggested by any of the above-cited references of the present invention, either alone or in combination.

Independent Claims 1 and 10 generally recite the following:

“wherein operation of the buried nucleus is automatically suspended upon detection of an intrusion, rebuilding of a secure environment within the buried nucleus occurs after said detected intrusion, and resetting of a clock of the architecture to zero occurs when replication by an attacker of said rebuilding occurs.”

In the present invention, upon detection of intrusion, the architecture basically stops working, however, this does not mean that the architecture as a whole ceases operation in the event of a detected intrusion because the architecture may start a rebuildup process. (Present Application, Pages 15-16, Paragraph 0052). For instance, in

the event of detected intrusion, a secure protocol generated by the trusted authority may begin re-establishing (ex. – via challenge and response) the buildup (in a tiered hierarchical manner) of a secure environment within the buried nucleus. (Present Application, Page 16, Paragraph 0053). If the attacker attempts to replicate this buildup, the attacker may only do it by having knowledge of the random characteristics of the secure protocol. (Present Application, Page 16, Paragraph 0053). Under extraordinary circumstances, the BN and the trusted authority may be compromised. (Present Application, Page 16, Paragraph 0054). When this occurs, the clock of the architecture is stopped and the attack effort is entirely reset to zero. (Present Application, Page 16, Paragraph 0054). That is, the validity of any element that might have eventuated from such an attack is completely nullified by the act of stopping the clock at this point. (Present Application, Page 16, Paragraph 0054). Therefore, intrusion, no matter how powerful the computational resources supplied to the intrusion, has the effect of resetting the effort involved to zero. (Present Application, Page 16, Paragraph 0054). The above-referenced elements promote security advantages provided by the architecture of the present invention. Nowhere in any of the cited references (Elazar, Parks, Markham), either alone or in combination, are the above-referenced elements either disclosed, taught, or suggested. Therefore, a *prima facie* case of obviousness has not been established for Independent Claims 1 and 10 of the present application. Thus, Independent Claims 1 and 10 should be allowed. Further, Dependent Claims 2-5 and 7-9 (which depend on Independent Claim 1 and Dependent Claims 11-14 and 16-22 (which depend on Independent Claim 10) should also be allowed.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the pending claims is earnestly solicited.

Respectfully submitted on behalf of
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Dated: September 2, 2009

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